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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 000979

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SUBJECT: NIGERIA: ABUJA WEEKLY REVIEW: MARCH 18-22

Classified by Ambassador Howard F. Jeter. Reasons 1.5 (b) and (d).

MONEY CRUNCH AT THE STATE LEVEL

11. (SBU) Because of shrunken government revenues due to lower world oil prices, most State governments have become cash strapped. Some have not paid civil servants since January. Wage costs grew exponentially in May 2000 when the minimum civil servant wage was increased from N3,500 to N7,500/month (USD 64). High oil prices in 2000-2001 brought in sufficient money to satisfy the higher wage bill. However, today's lower oil prices and OPEC quota cuts have reduced federal allocations to the States, leaving many States unable to meet their obligations including paying both State employees and pensioners. Civil servants around the country are grumbling and there has been talk of a strike if the problem is not resolved soon. In addition, many State governments have frozen new recruiting, leaving more job-seekers unemployed and on the streets.

12. (C) Comment: A strike by civil servants could be severely damaging both politically and economically. Unfortunately, resolution will not be very easy. Given government spending priorities as they now stand (which includes the siphoning of funds for personal or political uses in some States), there simply is not enough money to pay everyone's salaries. This insufficiency will be exacerbated by electoral pressure to spend money in other areas. However, astute State governors will make salary payments a top priority for the simple reason that people, not money-guzzling projects, vote. Civil servants and their families tend to be more favorably disposed toward the incumbent who pays than the one who does not.

----- Justice Minister Agabi's Controversial Sharia Letter -----

13. (C) In a much-publicized March 18 letter, recently appointed Justice Minister Kanu Agabi intensified the debate over Sharia. In his letter, the Justice Minister requested the twelve governors in the States that have enacted criminal Sharia not to impose penalties against Moslems that could not be imposed against non-Moslems under the secular criminal code. Clearly, the letter was written with Safiya Hussein's case in mind as the appellate decision reversing her conviction was still a week away when Agabi penned the letter. Agabi probably believes his letter nudged the Sokoto court to reverse the stoning verdict. Others probably think the reversal came notwithstanding the letter, which they considered incendiary and counter-productive.

14. (C) Hauwa Ibrahim, an attorney for Safiya, told Emboff that the Agabi letter was bad lawyering, and even worse politics. She characterized the letter as unnecessary legal posturing that did not carry any force of law despite its portentousness. The Justice Minister could have sued for a declaratory judgment if he really wanted to cure the disparity between the punishments proscribed by the two bodies of criminal law. For a non-Muslim to write such a letter "in order to protect Muslims," as Agabi claimed, was condescending; it meant that Muslims had to be protected against themselves. Ibrahim's predictions that criticism would follow the letter proved right. Predictably, temperamental Zamfara State Governor Sani upbraided Agabi and vowed that he would not change his State's Sharia legislation. Even moderate Kaduna State Governor felt compelled to criticize the Justice Minister for encroaching into the ambit of the States. Niger State Governor Kure challenged Agabi to forego letter writing and contest the constitutionality of Sharia in court.

15. (C) Comment: In addition to the letter, Information Minister Jerry Gana told the press that the GON was forced to take a more proactive stance against Sharia to prevent Nigeria from becoming a human rights pariah. Some in the GON may think that Agabi's and Gana's interventions helped tip the balance in the Hussein case. However, these statements probably had little effect on the Hussein court. By connoting that the North's brand of Sharia is atavistic, and even brutal, the GON statements will make concession by the Northern states on this issue more difficult. Harsh statements from the Federal Government will only antagonize Northern politicians and diminish the political space in which Northern moderates can maneuver to amend criminal Sharia as currently implemented to comport more closely with universally accepted human rights tenets.

16. (C) Additionally, the Federal Government probably is underestimating the popularity of Sharia with the Northern electorate. Every dig at Sharia from the Executive Branch further estranges the Obasanjo Administration from a large segment of the Northern Muslim population.

ELECTORAL LAW TO GO TO THE PRESIDENT AGAIN

17. (SBU) The joint Senate/House harmonization committee passed the recycled Electoral Act; the bill is now on its way to the President to sign into the law. The new measure expunges the controversial prohibition against new parties contesting the national and state elections in 2003. It also keeps the three-stage sequencing of elections: presidential, state then local. However, that sequence may change as the Governors' suit contesting the constitutionality of the Electoral Law passed last December. The State Executives are challenging the National Assembly's right to change the date of local government elections from April 2002 to 2003, thus extending the local government officials' tenures in office by a year, will be decided by the Supreme Court on March 28.

18. (U) With April approaching, many elected local government officials worry that Governors in their states may ignore the Electoral Law that was passed in December (this version extended local government tenures to 2003) and remove them from office because their terms were originally to expire next month. In an effort to discourage Governors from this action, the National House of Representatives passed a resolution that the Governors lacked the constitutional authority to dissolve the local government councils in April. Meanwhile, the Association of Local Government of Nigeria (ALGON) has filed suit against the Governors seeking to enjoin them from removing local officials. ALGON also has stated its intention to form a "grassroots" political party more responsive to the average citizen than the currently registered political associations.

ELECTORAL PREPARATIONS -- NIL

19. (C) Civil servants are not alone in the queue waiting for payment. The Independent National Electoral Commission (INEC) has not received the funds President Obasanjo promised earlier this year. Without these funds, INEC can neither prepare for nor conduct voters registration. If the funds are not soon forthcoming, INEC may not be able to conduct registration in a timely enough manner to prepare for elections in early 2003. As things now stand with INEC preparations and funding, it would be very difficult to envision the development of a new voters registration list in time to conduct local government elections in 2002. This could be a big problem should the Supreme Court endorse the Governors' contention that the Electoral Act's postponement of local government elections from 2002 to 2003 is unconstitutional.

110. (C) Justice Minister Agabi and INEC have announced that they will be cooperating with security forces to identify politicians and political groups that sponsor violence. Guilty individuals and groups will be barred from participating in the elections. If implemented effectively and impartially, this injunction could be a healthy tonic. Agabi cited violent groups like the Bakassi Boys and OPC as

examples. By any objective standard, these groups need to be contained. However, according to some press reports, Agabi's statement also mentioned the Arewa Consultative Forum, the North's leading organization of intellectuals and luminaries, as a vigilante group that must register with the security forces or face the ban on electoral activity. While Arewa is no fan of the Administration, it also is a far cry from the OPC. In fact, the ACF has been actively mediating the Tiv-Jukun feud in Benue. Perhaps an argument can be made that some ACF figures are suspected of encouraging unrest and discord. However, painting the entire organization with the same brush as the OPC and others, the Administration falls liable to being accused of using the anti-violence campaign as a subterfuge to bridle its most influential Northern critics. (Comment: With his statement on Sharia and his reference to the ACF, the new Attorney General certainly has gotten off on the wrong foot with the North. Less certain is whether he is playing the role of Obasanjo's foil or is he a loose cannon. End comment.)
Jeter